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ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 1/10/2022

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December 22, 2021

**Via ECF**

Honorable Mary Kay Vyskocil,  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 2230  
New York, New York 10007

Re: Josefina Rodriguez v. New York City Department of Education, et al.  
Civil Action No.: 21-cv-03561-MKV

Dear Judge Vyskocil:

I am an Assistant Corporation Counsel in the Office of Georgia M. Pestana, Corporation Counsel of the City of New York, assigned to represent Defendants New York City Department of Education (“DOE”) and Lauren Kearley in the above-referenced matter. I write to request the Court accept Defendants’ November 18, 2021 motion to dismiss the Amended Complaint in its entirety and deem it unopposed by Plaintiff. *See* ECF Dkt. No. 16.

Plaintiff is a School Food Service Manager with Defendant DOE who alleges that she was discriminated against because of her gender, disability, national origin (Dominican Republic) and race (Hispanic) and subject to retaliation in violation of the ADA, Title VII, and §§ 1981 and 1983. Plaintiff also alleges that she was retaliated against for taking FMLA leave. In March 2018, Defendant Kearley became Plaintiff’s supervisor and Plaintiff alleges that she “immediately” began taking duties away from her. In June 2018, Plaintiff complained to Defendant Condon (Manhattan Regional Director) that she believed she was being treated worse than another Assistant Supervisor, Michael Barr, who Plaintiff alleges is African-American, because of her accent and national origin.

Defendants timely filed their motion to dismiss the complaint pursuant to Rule 12(b) on November 18, 2021. Under Local Civil Rule 6.1(b), Plaintiff’s opposition to the motion was due December 2, 2021. However, as of the date of this letter, Plaintiff has not filed any opposition to Defendants’ motion or requested additional time from Defendants or the Court in which to serve her opposition.

As such, Defendants request that the Court accept their motion to dismiss the Amended Complaint as fully submitted and unopposed by Plaintiff.

I thank the Court for its consideration of this request.

Respectfully submitted,

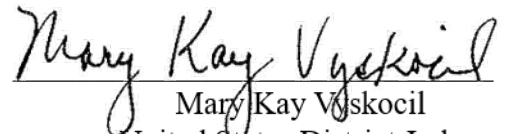
*/s/ Angela M. Wanslow*

Angela M. Wanslow  
Assistant Corporation Counsel

cc: Ambrose W. Wotorson, Jr., Esq. (via ECF)  
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**DENIED. The Court has received a communication that Plaintiff's Counsel, Ambrose Wotorson, has passed away. The briefing schedule for Defendants' Motion to Dismiss is hereby stayed. On or before February 1, 2022, the Parties shall file a joint letter regarding Plaintiff's representation and propose a new briefing schedule. SO ORDERED.**

Date: 1/10/2022  
New York, New York

  
Mary Kay Vyskocil  
United States District Judge